

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES D. JURBALA,
Plaintiff

v.

WARDEN RONNIE HOLT, ET AL.,
Defendants

CIVIL NO. 3:12-CV-1092

(JUDGE NEALON)

(MAGISTRATE JUDGE CARLSON)

ORDER

**FILED
SCRANTON**

NOW, THIS 30th DAY OF JANUARY, 2013, for the reasons set forth in the JAN 30 2013

Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

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1. The Report and Recommendation, (Doc. 6), is **ADOPTED**;
2. The FTCA claims in the complaint, (Doc. 1), are **DISMISSED with prejudice** as to the individual Defendants;
3. Plaintiff **SHALL** file an amended complaint within twenty (20) days of the date of this Order naming any additional Defendants and claims;
4. Plaintiff's motion for leave to proceed in forma pauperis, (Doc. 3), is **GRANTED**;
5. This matter is **REMANDED** to Magistrate Judge Carlson for further proceedings; and
6. Any appeal will be deemed frivolous, without probable cause, and not taken in good faith.


United States District Judge